

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES MENDES,
Plaintiff,

CIVIL ACTION
NO: 05-10912-DPW

VS.

UNITED STATES OF AMERICA,
Defendants.

STATUS REPORT & REQUEST TO CONTINUE THE OCTOBER 26, 2006
STATUS CONFERENCE

Now come the parties, in the above-entitled action, by and through their undersigned attorneys, and report the status of this matter to this Honorable Court, and further moves for a continuance of the October 26, 2006 Status Conference.

1. The plaintiff's medical status remains uncertain. The defendant's medical expert recently evaluated the plaintiff and suggested that he undergo a fourth surgical procedure to address his current symptoms. Following this examination, the plaintiff was evaluated by his treating physician. The plaintiff is in the process of evaluating his future treatment options, which may have an impact on whether he will be able to return to work in the future as a Marine Engineer.
2. Based upon the uncertainty of his medical status, the parties have requested that the Mediation scheduled for October 25, 2006 before Magistrate Judge Bowler be continued until December 13, 2006. Whether the plaintiff will be able to return to work and, if not, the nature and extent of his limitations must be determined in order for the parties to participate in a meaningful Mediation session.
3. In the interim, the parties respectfully request that the Status Conference scheduled for October 26, 2006

be continued. The parties will report the results of the Mediation to the Court promptly. If the case does not settle at Mediation, the parties will request a Pre-Trial Conference.

Respectfully submitted,

FOR THE PLAINTIFF

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